

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES PATRICK,)	
)	
Petitioner,)	Case No. 1:12-cv-156-SJM-SPB
)	
v.)	
)	
ERIE COUNTY COURT OF)	
COMMON PLEAS, <i>et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM ORDER

The instant petition for writ of habeas corpus was received by the Clerk of Court on July 10, 2012 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Report and Recommendation, filed on August 30, 2012 [3], recommends that the instant habeas petition be dismissed without prejudice due to the Petitioner's failure to comply with this Court's Order of July 17, 2012 [2]. The parties were allowed fourteen (14) days from the date of service in which to file objections. Service was made on Petitioner by certified mail at his current address of record and on the Respondents. No objections to the Report and Recommendation have been filed to date.

After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 2nd Day of October, 2012;

IT IS ORDERED that the instant petition for writ of habeas corpus shall be, and hereby is, DISMISSED without prejudice.

The Report and Recommendation of Magistrate Judge Baxter, filed on August 30, 2012 [3] is adopted as the opinion of the Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

Cm: All parties of record.

U.S. Magistrate Judge Susan Paradise Baxter